261—213.1(17A,15F) Applicability. This chapter outlines a uniform process for the granting of waivers from rules adopted by the board. The intent of this chapter is to allow persons to seek exceptions to the application of rules issued by the board.

213.1(1) *Definitions.*

"Board" or *"enhance Iowa board"* means the enhance Iowa board established by Iowa Code section 15F.102.

"Person" means an individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any legal entity.

"Waiver" means an agency action which suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person.

213.1(2) *Authority.*

a. A waiver from rules adopted by the board may be granted in accordance with this chapter if (1) the board has authority to promulgate the rule from which waiver is requested or has final decision-making authority over a contested case in which a waiver is requested; and (2) no statute or rule otherwise controls the grant of a waiver from the rule from which waiver is requested.

b. No waiver may be granted from a requirement which is imposed by statute. Any waiver must be consistent with statute.

[**ARC 4513C**, IAB 6/19/19, effective 7/24/19; **ARC 5644C**, IAB 6/2/21, effective 7/7/21]